

IN THE SUPREME COURT OF THE STATE OF MISSOURI

IN RE:)
)
JOHN ROGER IRVIN) SUPREME COURT #SC94448
20 WEST OHIO STREET)
PO BOX 426)
BUTLER, MISSOURI 64730)
)
MISSOURI BAR NO.: 20319)
DOB: 8/11/1978)
RESPONDENT)

RESPONDENT'S REPLY TO INFORMANT'S BRIEF

John Roger Irvin #20319

Attorney At Law

P. O. Box 426

Butler, Missouri 64730

Phone: 660-679-6727

Fax: 660-679-6728

rogerirvinsoffice@yahoo.com

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STATEMENT OF JURISDICTION

Respondent admits the Missouri Supreme Court has jurisdiction over this disciplinary matter.

STATEMENT OF FACTS

Background and Disciplinary History

Respondent admits to the facts stated in the background and disciplinary history of Informant's Brief.

Background Facts Underlying Current Disciplinary Case

Respondent admits to the facts stated in the current disciplinary case of Informant's Brief.

Count I

Respondent admits to the facts stated in Count I of Informant's Brief.

Count II

Respondent admits to the facts stated in Count II of Informant's Brief with the following exceptions, to wit:

1. Respondent did advise Sylvia Reynolds and Kelly Melton that a restricted account must be set up for Kayla Melton, minor.
2. Respondent understood from Sylvia Reynolds that a restricted account for Kayla Melton, minor had been established.

Count III

Respondent agrees to the facts stated in Count III of Informant's Brief with the following exceptions, to wit:

1. Goldie Saathoff and Edwin Nelson contacted me to open the Estate of Bernice Nelson, Estate No.: 04T1-PR00044.
2. Goldie Saathoff wanted to sell the real estate located in Adrian, Missouri to her granddaughter Michela Horner. A contract to do so was drafted and Edwin Nelson would not agree to sign the contract for sale.
3. The home was listed to sell with Chip Davis, a realtor, but never sold due to Edwin Nelson not accepting any sale offer.

4. Thereafter Edwin Nelson made an offer of a significantly less amount to purchase the home. The home was sold to Edwin Nelson. At no time did I receive a request from Edwin Nelson to fax any information concerning the real estate sale to Edwin Nelson's bank. In addition, I did not receive any calls from a bank asking for information on the sale of the real estate.
5. After the real estate sale, upon notice and hearing, I reached an agreement with the State of Missouri on the Judgment with Missouri Health Net. The reduction of the judgment amount reduced the claim of the State of Missouri by approximately fifty percent (%50).
6. Between may of 2004 and 2012, Edwin Nelson came to my office on numerous occasions and I provided to him the information and progress on the estate. I never denied Edwin Nelson any information concerning the estate and was always willing to discuss the matter with him upon walk-in when I was available to do so.

Conclusion

A bar complaint was made in August of 2012 by the Honorable J. Michael Rumley, Associate Circuit Judge in Cass County, Missouri and after the complaint was made Respondent notified The Bar Plan Mutual Insurance Company, who is the carrier of his malpractice insurance, in September of 2012.

Respondent has been fully cooperative with the office of the Chief Disciplinary Counsel and further states that he gave a deposition in July of 2013 to the Office of Chief Disciplinary Counsel and that he was totally honest and forthright in answering all questions and inquiries.

That at the hearing on March 5, 2014, held before the Chief Disciplinary Hearing Panel in Kansas City, Missouri, Respondent appeared in person before the Chief Disciplinary Panel. Respondent cooperated with the Hearing Panel and gave truthful and honest answers, took all directions from the Hearing Panel and completed said directions.

On numerous occasions Respondent told Co-Guardians for Kayla Melton, a minor, that a bank account must be set up for the benefit of Kayla Melton, a minor. Respondent was promised by the Co- Guardians that this was going to be done. The account was never set up for Kayla Melton, minor.

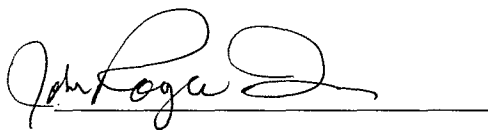
Since the hearing before the Disciplinary Panel, Respondent has been sued by the Public Administrator of Cass County, in Cass County, Missouri. and is being represented for said matter by Mr. Dave Larson who was hired by The Bar Plan insurance company, and that he is fully cooperating with the Attorney for the Bar Plan insurance company.

All of the monies in Respondent's possession for Kayla Melton, minor, has been paid to the Co-Guardians and there are no allegations that Respondent stole or has in his possession any monies from the settlement.

That Respondent has cooperated with all parties involved in the discipline hearing and has not at anytime delayed any hearing. Respondent further states that he has current cases pending which can be completed by December 20, 2014.

WHEREFORE, Respondent JOHN ROGER IRVIN has fully replied to Informant's Brief and respectfully requests that he be granted by this Honorable Court until December 20, 2014 in which to surrender his license to practice law in the State of Missouri and for such other and further relief as the Court deems just and proper in the premises.

Respectfully Submitted,



John Roger Irvin

Attorney At Law

20 W. Ohio Street

PO Box 426

Butler, Missouri 64730

rogerirvinoffice@yahoo.com

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of November, 2014,
Respondent's Reply To Informant's Brief was sent via the Missouri
Supreme Court e-filing system to:

Alan D. Pratzel, Chief Disciplinary Counsel

Sharon K. Weedin

3335 American Avenue

Jefferson City, Missouri 65109

Informant



John Roger Irvin